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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,077	11/21/2003	Edward C. McGlaughlin	QN1069.US	2263
7590	08/22/2005		EXAMINER	
Tejinder Singh Klein, O'Neill & Singh, LLP Suite 510 2 Park Plaza Irvine, CA 92614			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	
DATE MAILED: 08/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/719,077	MCGLAUGHLIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tung S. Lau	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3-35 are rejected under 35 U.S.C. 102(a) as being anticipated by Vieregge at al. (U.S. Patent Application Publication 2003/0120983).

Regarding claim 1:

Vieregge discloses a system for monitoring events a storage area network (abstract), comprising: a fibre channel fabric switch element (page 2, section 0027-0029) having a port monitoring agent that monitors at least a parameter value and detects when a parameter value varies from a threshold value for a parameter (page 1-2, section 0012-0018) wherein the port monitoring agent sends a message to a performance monitoring module to process an event when the parameter value varies from the threshold value (page 1-2, section 0012-0018).

Regarding claim 5:

Vieregge discloses a system for monitoring events in a storage area network (abstract), comprising: a fabric monitoring module in a fibre channel switch elements (page 2, section 0027-0029) wherein the fabric monitoring module detects when a remote fabric switch and a local fabric switch cannot exchange

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information and then sends a message to a performance threshold monitoring module (page 1-2, section 0012-0018).

Regarding claim 7:

Vierегge discloses a system for monitoring events in a storage area network (abstract), comprising: a chassis monitoring module in a fibre channel fabric switch element (page 2, section 0027-0029) detects when an indicator for a switch chassis of the fibre channel fabric switch element varies from a threshold value and notifies a performance monitoring module of the variation (page 1-2, section 0012-0018)

Regarding claim 10:

Vierегge discloses a system for monitoring event in a storage area network (abstract), comprising: a performance monitoring module in a fibre channel fabric switch elements (page 2, section 0027-0029) that receives from a message at least one monitoring agent indicating if a parameter value varies from a threshold value (page 1-2, section 0012-0018), and in response to the message, the performance monitoring module coordinates an event (page 2, section 0027-0029).

Regarding claim 17:

Vierегge discloses a method for monitoring events in a storage area network (abstract), comprising: monitoring at least one parameter value (page 1, section 0012-0018), wherein at least one monitoring agent in a fabric channel fabric switch (page 2, section 0027-0029) monitor the parameter value; comparing the

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parameter value to a threshold value (page 1-2, section 0012-0018); and notifying a performance monitoring module the parameter value varies from the threshold value (page 1-2, section 0012-0018).

Regarding claim 21:

Vierегge discloses a system for notifying a computing system of an indicator that precedes a failure in a storage area network (abstract), comprising: least one monitoring agent in a fibre channel fabric switch element (page 2, section 0027-0029) that monitors an indicator that can result in a failure in the storage area network (page 1-2, section 0012-0018); and a performance monitoring module that compares an indicator value to a threshold value and coordinates an event if the indicator value varies from the threshold value (page 1-2, section 0012-0018).

Regarding claim 27:

Vierегge discloses a fibre channel fabric switch element (page 2, section 0027-0029), comprising: a port monitoring agent that monitors at least a parameter value and detects when a parameter value varies from a threshold value for a parameter (page 1-2, section 0012-0018), wherein the port monitoring agent sends a message to a performance monitoring module to process an event when the parameter value varies from the threshold value (page 1-2, section 0012-0018).

Regarding claim 3, Vierегge further discloses the performance monitoring module may notify a host computer when the fibre channel port link indicator

varies from the threshold value (page 1-2, section 0012-0018); Regarding claim 4, Vieregge further discloses the fibre channel port whose port link indicator varies from the threshold value is taken off-line (fig. 4); Regarding claim 6, Vieregge further discloses notified that the remote and the local fabric switch cannot exchange information (page 1-2, section 0012-0018); Regarding claim 8, Vieregge further discloses host computer is notified of the variation (page 1-2, section 0012-0018); Regarding claim 9, Vieregge further discloses a remote fabric switch is notified of the variation (page 1-2, section 0012-0018); Regarding claim 11, Vieregge further discloses threshold value store in table (page 1, section 0005); Regarding claims 13, 22, Vieregge further discloses value are updated based on historical data (page 1-2, section 0012-0018); Regarding claims 12, 23, 32, Vieregge further discloses the monitoring agent includes a Chassis monitoring module (fig. 2, unit 20), a fabric monitoring module (fig. 2, unit 20), a port monitoring module (fig. 2, unit 20), and/or a Nx-port event monitoring module; Regarding claim 14, Vieregge further discloses the performance monitoring module notifies an event response module when an indicator value varies from a threshold value (fig. 2, unit 26); Regarding claim 15, Vieregge further discloses generated in response to the notification based on event table (page 1, section 0005); Regarding claims 16, 20, Vieregge further discloses the event response module may notify a host computer of the variation (fig. 2, unit 26); Regarding claims 18, 24, Vieregge further discloses consolidating plural of threshold variations and notifying an event response

module of the variations (page 1-2, section 0012-0018); Regarding claim 19, Vieregge further discloses generating events in response to a threshold variation (page 1-2, section 0012-0018); Regarding claim 25, Vieregge further discloses the port monitoring module sends a message to the threshold monitoring module to process an event when a fibre channel port link indicator varies from the threshold value (page 1-2, section 0012-0018); Regarding claim 26, Vieregge further discloses the fabric monitoring module detects when a remote fabric switch and a local fabric switch cannot exchange information and then sends a message to the threshold monitoring module (page 1-2, section 0012-0018); Regarding claim 28, Vieregge further discloses the performance monitoring module notifies a host computer when the parameter value varies from the threshold value (page 1-2, section 0012-0018, fig. 2, unit 26); Regarding claim 29, Vieregge further discloses channel offline (fig. 3, 4); Regarding claim 30, Vieregge further discloses varies from threshold value (page 1-2, section 0012-0018); Regarding claim 31, Vieregge further discloses even generate in response to threshold value (page 1-2, section 0012-0018); Regarding claim 33, Vieregge further discloses detect remote and local switch can not exchange information (fig. 3, 4); Regarding claim 34, Vieregge further discloses an indicator value from threshold and notifies the performance monitor of the variation (page 1-2, section 0012-0018, fig. 2, unit 26); Regarding claim 35, Vieregge further discloses track statistic for fibre channel (page 1-2, section 0012-0018).

### ***Response to Arguments***

2. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 08/15/2005 have been fully considered but they are not persuasive.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to



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reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL



MICHAEL NGHIEM  
PRIMARY EXAMINER